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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Leonard N. Roberts,

No. CV-19-01688-PHX-DWL

Appellant,

ORDER

V.

Joan Kathryn Livdahl,

Appellee.

Pending before the Court is the parties' Joint Motion to Stay Proceedings to Allow for Completion of Settlement (Doc. 5.) The parties aver that they "are in settlement discussions and a stay through July 8, 2019 will allow them to finalize a settlement agreement." (Doc. 5 at 1.)

A stay is “not a matter of right,” but is rather “an exercise of judicial discretion,” the propriety of which “is dependent upon the circumstances of the particular case.” *Virginian Ry. Co. v. United States*, 272 U.S. 658, 672-73 (1926). “The party requesting a stay bears the burden of showing that the circumstances justify an exercise of that discretion.” *Nken v. Holder*, 556 U.S. 418, 433-34 (2009). In the case of a joint motion, the parties share that burden. In determining whether to grant a motion to stay, “the competing interests [that] will be affected by the granting or refusal to grant a stay must be weighed.” *Lockyer v. Mirant Corp.*, 398 F.3d 1098, 1110 (9th Cir. 2005) (citing *CMAX, Inc. v. Hall*, 300 F.2d 265, 268 (9th Cir. 1962)).

The Court “has an interest in managing judicial resources by preventing inactive

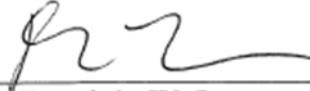
1 cases from remaining indefinitely on its docket," *United States v. Grantham*, 2018 WL
2 3239938, *2 (S.D. Cal. 2018), and therefore the parties must demonstrate that other factors
3 outweigh this interest to prevail in seeking a stay. Settlement discussions will seldom
4 suffice. The Court follows a general rule of not extending deadlines to allow parties to
5 pursue settlement efforts. See <http://www.azd.uscourts.gov/sites/default/files/judge-orders/DWL%20Case%20Management%20Order.pdf>. Likewise, in most cases, the Court
6 does not consider pursuing settlement discussions to be an adequate justification for a stay.
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8 The joint motion to stay will therefore be denied without prejudice. If the parties
9 have reached a settlement and merely need more time to finalize it, they should file a notice
10 of settlement.¹ Alternatively, if the parties believe they have an adequate justification for
11 a stay or a further extension of the briefing schedule, they may file another motion.

12 Accordingly,

13 **IT IS ORDERED** that the parties' Joint Motion to Stay Proceedings to Allow for
14 Completion of Settlement (Doc. 5) is denied.

15 Dated this 20th day of May, 2019.

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Dominic W. Lanza
United States District Judge

26 ¹ The parties' motion asserts that "[p]ursuant to LRCiv 40.2, counsel for Roberts has
27 notified the Court by telephone of the pending settlement." (Doc. 5 at 1). LRCiv 40.2
28 expressly applies only to cases that are set for trial: "When a case set for trial is settled out
of Court . . . , it shall be the duty of counsel to inform . . . the chambers of [the presiding
judge] immediately." LRCiv 40.2(d). This matter (a bankruptcy appeal) is not set for trial,
so LRCiv 40.2 is inapplicable. The Court requires parties to file a notice of settlement
when a settlement is pending.